

Wayne W. Call, Bar No. 56676
wcall@calljensen.com
Scott P. Shaw, Bar No. 223592
sshaw@calljensen.com
Deborah A. Gubernick, Bar No. 242483
dgubernick@calljensen.com
Samuel G. Brooks, Bar No. 272107
sbrooks@calljensen.com
CALL & JENSEN
A Professional Corporation
610 Newport Center Drive, Suite 700
Newport Beach, CA 92660
Tel: (949) 717-3000
Fax: (949) 717-3100

Ian G. McFarland, *pro hac vice*
imcfarland@merchantgould.com
MERCHANT & GOULD P.C.
9717 Cogdill Road, Suite 101
Knoxville, TN 37932-3322
Tel.: (865) 380-5990
Fax: (865) 380-5999

John A. Clifford, *pro hac vice*
jclifford@merchantgould.com
Heather J. Kliebenstein, *pro hac vice*
hkliebenstein@merchantgould.com
Rachel Z. Scobie, *pro hac vice*
rscobie@merchantgould.com
Linhda Nguyen, Bar No. 301157
lnguyen@merchantgould.com
MERCHANT & GOULD P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2215
Tel.: (612) 371-5228
Fax: (612) 332-9081

Attorneys for Defendant Cosmetic Warriors Limited

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PINKETTE CLOTHING, INC., a

| Case No. 15-CV-04950-SJO-AJW

1 California corporation,

2 Plaintiff,

3 vs.

4 COSMETIC WARRIORS LIMITED,
5 believed to be a United Kingdom limited
6 company doing business as LUSH
7 HANDMADE COSMETICS, and DOES 1-
9, inclusive,

8 Defendants.

**DECLARATION OF HEATHER J.
KLIEBENSTEIN IN SUPPORT OF
DEFENDANT'S MOTION *IN LIMINE*
NO. 8 TO EXCLUDE TESTIMONY
FROM DR. HIBBARD REGARDING
THE LEGAL RELEVANCE OF DR.
JOACHIMSTHALER'S TESTIMONY**

Date: January 24, 2017
Time: 9:00 a.m.
Crtrm: 10C

11 Complaint Filed: June 30, 2015
12 Trial Date: January 24, 2017

13
14 **DECLARATION OF HEATHER J. KLIEBENSTEIN**

15 I, Heather J. Kliebenstein, hereby declare as follows:

16 1. I am an attorney admitted *pro hac vice* to practice before this Court in this
17 case and an attorney at the law firm of Merchant & Gould P.C., co-counsel for Defendant
18 Cosmetic Warriors Limited (CWL). I am over the age of eighteen years, have personal
19 knowledge of the matters stated herein, and am competent to testify about them.

20 2. Attached hereto as **Exhibit 1** is a true and correct copy of the Expert Report of
21 Erich Joachimsthaler, Ph.D., dated September 14, 2016. This document is subject to a
22 motion to file under seal.

23 3. Attached hereto as **Exhibit 2** is a true and correct copy of the Rebuttal Report
24 of Jonathan D. Hibbard, Ph.D., dated October 5, 2016. This document is subject to a
25 motion to file under seal.

26 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the
27 deposition of Dr. Jonathan D. Hibbard, dated October 21, 2016.

1 I declare under penalty of perjury of the laws of the United States that the foregoing
2 is true and correct to the best of my knowledge and belief. Executed in Minneapolis,
3 Minnesota.

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5 Dated: December 16, 2016
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8 By:



Heather J. Kliebenstein
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